IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 1852 of 2007

Date of Decision : 06.02.2007

Rattan Chand

... Petitioner

Versus

State of Punjab and others.

.. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. R.S. Chauhan, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

The petitioner claims to have been inducted into the service of the respondents as a Conductor in the year 1977. During his employment with the respondents, his services were allegedly terminated by an order dated 26.02.1979. Dis-satisfied with the aforesaid order, the petitioner filed a Civil Suit, which was allowed by the Civil Court at Gurdaspur by a judgment and decree dated 28.10.1993. It is the contention of the learned counsel for the petitioner, that the aforesaid judgment and decree has attained finality, as consequence of which, the petitioner was reinstated into service with effect from 28.07.1997. After his reinstatement, the petitioner alleges that he continued to discharge his duties till his retirement on superannuation on 31.3.2006.

The primary grievance of the petitioner is, that after his reinstatement, whereupon he was entitled to all consequential benefits, he has not been allowed any increment after 1.12.1978. It is also the case of the petitioner, that despite his retirement from service with effect from 31.03.2006, the petitioner has not been allowed any retiral benefits.

The aforesaid grievance was raised by the petitioner by issuing a legal notice dated 15.10.2006. It is the contention of the learned counsel for the petitioner, that no decision has been taken thereon till date. It is also the contention of the learned counsel for the petitioner, that the petitioner will be satisfied, if the instant writ petition is disposed of, with a direction to respondent No.3 i.e. the General Manager, Punjab Roadways, Pathankot, requiring him to take a final decision on the claim raised by the petitioner in his legal notice dated 15.10.2006 (Annexure P/3).

Notice of motion.

On our asking, Mr. Ashok Aggarwal, Additional Advocate General, Punjab, accepts notice on behalf of respondent Nos. 1 to 3. Learned counsel for the respondents states, that he has no objection to the disposal of the instant writ petition in terms of the prayer made by the learned counsel for the petitioner.

In view of the above, without going into the merits of the claim raised by the petitioner, we consider it just and appropriate to dispose of the instant writ petition by directing respondent No.3 i.e. the General Manager, Punjab Roadways, Pathankot, to take a final decision on the legal notice dated 15.10.2006 (Annexure P-3) by passing a well reasoned speaking order, within two months from the date of receipt of a certified copy of this order. In case, the petitioner is found entitled to any monetary benefits, the same

shall be calculated and released to the petitioner within further period of one month.

Disposed of accordingly.

Order dasti on payment of usual charges.

(J.S. Khehar)
Judge

February 06, 2007
vkd

(S.D. Anand)
Judge